

**FREEDOM OF INFORMATION COMMISSION STATEMENT ON
HOUSE BILL 5463, AN ACT CONCERNING THE AUTHORITY OF
THE OFFICE OF THE ATTORNEY GENERAL TO BRING AN ACTION
AGAINST A SELLER WHO ENGAGES IN PRICE GOUGING
DURING A DISASTER OR EMERGENCY.**

March 18, 2022

The Freedom of Information (“FOI”) Commission submits this statement in opposition to section 3 of House Bill 5463, which seeks to amend Conn. Gen. Stat. §42-110d(f) of the Connecticut Unfair Trade Practices Act (CUTPA) to increase the period during which records concerning the investigation of any alleged violation of such Act may be withheld from disclosure.

CUTPA prohibits “unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce,” and authorizes the Commissioner of the Department of Consumer Protection to investigate complaints of alleged violations. Under existing law, the commissioner may withhold records concerning the investigation of any alleged violation from disclosure during the pendency of an investigation or examination, for a period of 18 months after the date on which the initial complaint was filed or after the date on which the investigation or examination was commenced, whichever is earlier. House Bill 5463 proposes to allow the withholding of information until the *conclusion* of the investigation.

The FOI Commission believes that there is a public interest in knowing if persons or businesses are being investigated for unfair and deceptive acts. Under the proposal, an investigation could go on indefinitely and the public would not know anything about the investigation. The Commission suggests that a fixed timeframe would be better.

The Commission would be happy to work with the Committee on this legislation to ensure the greatest degree of transparency and government accountability.

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